



CP/164

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Carl H. June *et al.*

Serial No.: 09/350,202

Filed: July 8, 1999

For: *Methods for Selectively Stimulating Proliferation of T Cells*

Attorney Docket No.: RPI-002CP2CN2

Group Art Unit: 1644

Examiner: Gambel, P.

#5B 10/30/00 T. Gray

RECEIVED

OCT 27 2000

TECH CENTER 1600/2900

RECEIVED

OCT 30 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

TECH CENTER 1600/2900

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below

10/23/00  
Date of Signature and of Mail Deposit

By:

Amy E. Mandragouras  
Reg. No. 36207  
Attorney for Applicants

AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated September 22, 2000 (Paper No. 4). Prior to examination of the above-identified application, please amend the application as follows:

In the claims:

✓  
Please cancel claim 1 without prejudice.

***Restriction Requirement***

The Examiner has required restriction to one of the following species.

Wherein the second agent is:



LAHIVE  
&  
COCKFIELD  
LLP

COUNSELLORS AT LAW  
28 STATE STREET  
BOSTON, MASSACHUSETTS 02109-1784  
TELEPHONE (617) 227-7400  
FAX (617) 742-4214  
lc@lahcoc.com

JOHN A. LAHIVE, JR. (1928-1997)  
THOMAS V. SMURZYNSKI  
RALPH A. LOREN  
GIULIO A. DeCONTI, JR.  
ANN LAMPORT HAMMITTE  
ELIZABETH A. HANLEY  
AMY BAKER MANDRAGOURAS  
ANTHONY A. LAURENTANO  
KEVIN J. CANNING  
JANE E. REMILLARD  
JEANNE M. DiGIORGIO  
DEBRA J. MILASINCIC, Ph.D.  
NICHOLAS P. TRIANO, III  
WILLIAM D. DeVAUL

CHI SUK KIM  
DAVID J. RIKKERS  
DAVID R. BURNS  
JOHN S. CURRAN  
SEAN D. DETWEILER  
ADAM M. GOODMAN

SENIOR COUNSEL  
JAMES E. COCKFIELD

OF COUNSEL  
JEREMIAH LYNCH  
WILLIAM A. SCOFIELD, JR.  
PETER C. LAURO \*  
DeANN FORAN SMITH\*\*

\* Admitted in NY only  
\*\* Admitted in MI only  
\*\*\* Passed the Patent Bar Examination

PATENT AGENTS  
MEGAN E. WILLIAMS, Ph.D.

TECHNICAL SPECIALISTS  
MARIA LACCOTRIPE ZACHARAKIS, Ph.D.\*\*\*  
CYNTHIA M. SOROOS  
PETER W. DINI, Ph.D.  
LAUREN C. FOSTER, D.Sc.  
EUIHOON LEE  
ERICK B. BERGLUND, Ph.D.  
LISA M. DiROCCO  
JENNIFER K. ROSENFELD  
JUDITH STONE-HULSLANDER, Ph.D.  
PETER S. STECHER  
ALLAN TAMESHTIT  
CATHERINE E. McPHERSON  
RICHANAND  
GARY W. PLOURDE II

October 23, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/350,202  
Methods for Selectively Stimulating Proliferation of T Cells  
By: Carl H. June, Craig B. Thompson, Gary J. Nabel, Gary S. Gray,  
and Paul D. Rennert  
Filing Date: July 8, 1999  
Our Ref.: RPI-002CP2CN2

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Amendment and Response to Restriction Requirement; and
2. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231 on:

Date

Amy E. Mandragouras, Esq., Reg. No. 36,207

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras  
Reg. No. 36,207  
Attorney for Applicants

Enclosures

RECEIVED

OCT 27 2000

TECH CENTER 1600/2900

RECEIVED

OCT 30 2000

TECH CENTER 1600/2900



- (a) Anti-CD28 antibodies; or
- (b) A stimulatory form of a natural ligand for CD28.

Applicants elect species (a) *i.e.*, anti-CD28 antibodies, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Claims 50-55, 57, and 58 read on the elected species.

It is the Applicants' understanding that under 35 U.S.C. § 121, an election of a single species for prosecution on the merits is required, to which the claims will be restricted if no generic claim is finally held allowable. Applicants submit that claim 50 is generic. Applicants further understand that upon the allowance of a generic claim, they will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.41 *et seq.*

#### SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP

Amy E. Mandragouras  
Reg. No. 36,207  
Attorney for Applicants

28 State Street  
Boston, Massachusetts 02109  
telephone: (617) 227-7400  
facsimile: (617) 742-4214  
Date: October 23, 2000